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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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James McLennan

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ROBERT W. J. USHER  
PATENT AGENT  
1133 BROADWAY, #1515  
NEW YORK, NY 10010

EXAMINER

BAROT, BHARAT

ART UNIT

PAPER NUMBER

2455

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/706,867	MCLENNAN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Bharat N. Barot	2455	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-15, 17-28 and 33-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15, 17-28 and 33-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/01/2008</u> .  | 6) <input type="checkbox"/> Other: _____                          |

**RESPONSE TO REQUEST FOR CONTINUED EXAMINATION (RCE)**

1. Claims 1-15, 17-28, and 33-35 remain for further examination.

**The new grounds of rejection**

2. Applicants' arguments and amendments with respect to claims 1-15, 17-28, and 33-35; and request for continued examination (RCE) filed on October 01, 2008 have been fully considered but they are deemed to be moot in view of the new grounds of rejection.

**Claim Objection**

3. Claim 27 is objected to because of the following informality: Claim 27 line 1 "claims 15 to 26" should be **--claims 15 and 17 to 26--**. Appropriate correction is required.

**Claim Rejections - 35 USC § 103**

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims 1-15, 17-28 and 33-35 are rejected under 35 U.S.C.103 (a) as being unpatentable over Pollack (U.S. Patent No. 6,505,236) in view of Wilkinson et al (U.S. Patent No. 7,409,333).
6. As to claim 1, Pollack teaches a method for directing an automatic communication to a recipient (see abstract; and figures 1-2), including the steps of: providing a data store; storing data relating to the recipient in the data store; examining

Art Unit: 2455

the data stored and determining that a communication is to be provided to the recipient; extracting data relating to the recipient from the data store in response to a determination that a communication is to be provided to the recipient; and sending a final communication to the recipient (figures 1-2; column 4 line 4 to column 7 line 17).

However, Pollack does not teach the steps of: automatically composing an initial communication in response to the data stored in the data store; reviewing the initial communication and, passing the initial communication to be modified to become a final communication when stored data extracted when composing the initial communication indicates that human modification is required and, treating the initial communication as the final communication without passing to be modified, when stored data extracted when composing the initial communication indicates that human modification is not required.

Wilkinson et al teach the steps of: automatically composing an initial communication in response to the data stored in the data store; reviewing the initial communication and, passing the initial communication to be modified to become a final communication when stored data extracted when composing the initial communication indicates that human modification is required and, treating the initial communication as the final communication without passing to be modified, when stored data extracted when composing the initial communication indicates that human modification is not required (see abstract; figures 3 and 7-9; column 12 lines 22-37; column 13 lines 22-52; column 14 lines 21-56; and column 15 line 39 to column 16 line 5).

Art Unit: 2455

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Wilkinson et al stated above in the method of Pollack for directing an automatic communication to a recipient because it would have promoted efficient planning and work flow in the network and maximized the utilization of the network by limiting the sizes and formats of the messages.

7. As to claim 2, Pollack teaches that the step of: modifying the initial communication comprises modifying the initial communication in a manner selected in response to the data extracted from the data store (figures 1-2; column 4 lines 3-39; and column 7 lines 1-6).

8. As to claim 3, Pollack teaches that the step of: modifying the initial communication comprises at least one of: deleting material from the initial communication; adding new material to the initial communication; providing material of predetermined fixed content and adding the material of predetermined fixed content to the initial communication; providing material of predetermined alterable content and adding the material of predetermined alterable content to the initial communication; and altering material already provided in the initial communication (figures 1-2; column 5 lines 17-67; and column 7 lines 6-10).

Art Unit: 2455

9. As to claims 4-5, Wilkinson et al teach that the steps of: providing access to a plurality of selectable media for providing the final communication to the individual; selecting, in response to the data extracted from the data store, at least one medium of the plurality of selectable media for providing the final communication to the individual; and employing said at least one medium to send the final communication, wherein the plurality of selectable media comprises facsimile transmission; telephonic text messaging; data transmission; Internet Communication; and mailing of printed letters (figure 8; and column 14 line 21 to column 15 line 38).

10. As to claims 6-7, Wilkinson et al teach that the steps of: providing access to a plurality of selectable media for providing the final communication to the individual; selecting, in response to the data stored, at least one medium of the plurality of selectable media for providing the final communication to the individual; and employing said at least one medium to send the final communication, wherein the plurality of selectable media comprises facsimile transmission; telephonic text messaging; data transmission; Internet Communication; and mailing of printed letters (figure 8; and column 14 line 21 to column 15 line 38).

11. As to claim 8, Pollack teaches that the step of: storing data relating to the recipient in a data store comprises the step of providing access to and accepting data relating to the recipient from at least one of: the Internet; a digital data transmission

Art Unit: 2455

medium; telephonic text messages; telephonic voice messages; printed matter; data files; and record data files (figure 1; and column 5 lines 17-36).

12. As to claims 9-10, Wilkinson et al teach that the steps of: automatically composing an initial communication in response to the data stored in the data store comprises the step of providing composition text in a plurality of languages, selecting one of the languages in response to the data stored relating to the recipient and composing the initial communication in the language selected, wherein the step of modifying the initial communication comprises modifying the initial communication in a same language as a language selected for the initial communication (figures 7-8; and columns 13-14).

13. As to claims 11-12, Pollack teaches that the step of: automatically composing an initial communication in response to the data stored in the data store includes the step of providing a plurality of idioms for the initial communication and selecting one of the plurality of idioms for the initial communication in response to data relating to the recipient extracted from the store, wherein the step of modifying the initial communication comprises modifying the initial communication in a same idiom as an idiom selected for the initial communication (figure 1; and columns 4-5).

Art Unit: 2455

14. As to claims 13-14, Wilkinson et al teach that the steps of: automatically composing an initial communication in response to the data stored in the data store includes the step of providing a plurality of forms of composition suitable for use in respective individual jurisdictions; and selecting a particular jurisdiction with the respective form of composition in response to the data relating to the recipient extracted from the store; and, composing the communication in the respective form of composition, wherein the step of modifying the initial communication comprises modifying the initial communication with material suitable for use in a same jurisdiction as the initial communication (figure 8; and column 14 line 21 to column 15 line 38).

15. As to claims 15-28, they are also rejected for the same reasons set forth to rejecting claims 1-14 above, since claims 15-28 are merely an apparatus for the method of operation defined in the claims 1-14.

16. As to claims 33-35, claims 29-33 do not teach or define any new limitations than above claims 1-14; therefore, they are rejected for the similar reasons.

### **Response to Arguments**

17. Applicant's arguments with respect to claims 1-15, 17-28, and 33-35 1-24 filed on October 01, 2008 have been fully considered but they are not deemed to be persuasive and moot in view of the new grounds of rejection.



Art Unit: 2455

18. Applicant's arguments have been fully considered. The examiner has attempted to answer (response) to the remarks (arguments) in the body of the Office action.

#### **Additional Reference**

19. The examiner as of general interest cites the following reference.

a. Hirai, U.S. Patent No. 7,162,514.

#### **Contact Information**

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bharat Barot** whose Telephone Number is **(571) 272-3979**. The examiner can normally be reached on Monday-Friday from 7:00 AM to 3:30 PM. Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number **(571) 273-8300**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Saleh Najjar**, can be reached at **(571) 272-4006**.

/Bharat N Barot/

Primary Examiner, Art Unit 2455

October 21, 2008

Application/Control Number: 10/706,867  
Art Unit: 2455

Page 9